

## PAS March 2018 Newsletter

### Appeal

On International Women's Day, PAS is appealing for your support of our crucial work with women prisoners. Around two thirds of women prisoners have dependent children. We have recently set up specialist advice clinics that provide female inmates with increased knowledge of their Family Law rights, to equip them with the tools necessary to exercise those rights.

Using the expertise of our qualified legal staff, PAS is uniquely positioned to address the range of problems faced by women prisoners. We do this by running Outreach Clinics in women's prisons, and via our telephone and letter advice services for women prisoners. By donating [here](#) and sharing news of our work on your Social Media channels, you can help PAS continue our vital work supporting women prisoners.

## News

### PAS Cements Ground Breaking Legal Victory

In a legal victory of national significance – and for penal reform, Human Rights and access to justice – 2017 saw PAS and The Howard League for Penal Reform successfully challenge the government over its 2013 cuts to Legal Aid for prisoners in England and Wales. As a result, in February 2018, some of these cuts were entirely reversed.

After our fruitful action in the Court of Appeal in April 2017, which resulted in some of the government cuts being ruled unlawful because they were found to be inherently unfair, the Ministry of Justice withdrew its application to appeal the decision to the Supreme Court in October 2017. Further, in a letter sent to PAS and the Howard League in November 2017, the Justice Minister indicated that for those three areas where the removal of Legal Aid was deemed unlawful by the Court of Appeal, criminal Legal Aid would be reinstated on 21 February 2018.

The three important areas are:

- Pre-tariff reviews before the Parole Board

### Save the Date – Annual Panel Discussion

**Thursday 3 May 2018** will see PAS' annual Panel Discussion taking place at a yet to be confirmed London location.

The topic of this year's discussion will be: [The Parole Board Post Worboys: Proposals for Change and Reform](#)'.

Confirmed panellists for the evening include:

- **Simon Creighton**, Partner at Bhatt Murphy Solicitors and author of 'Parole Board Hearings: law and practice';
- **Nick Hardwick**, Chair of the Parole Board;
- **Dr Ruth Tully**, Forensic Psychologist & Clinical Lead, Tully Forensic Psychology Ltd;
- **Harriet Wistrich**, Birnberg Pierce Solicitor for the two claimants and Director of the Centre for Women's Justice.

If you would like to reserve a place, please e-mail [here](#). Details of venue to follow.

### Great Legal Bake Sale

where the Board advises the Secretary of State for Justice on whether a prisoner would be suitable for a move to open conditions;

- Categorisation reviews for Category A prisoners;
- Placement in CSCs (close supervision centres).

After the cuts came into force in December 2013, violence and self-injury in prisons rose to record levels. Almost 300 people lost their lives through suicide during this period and calls to our Advice Line increased from 14,000 to 25,000 per annum. This successful action – the first occasion upon which PAS undertook a legal challenge in its own name – is of national significance. From February prisoners across England and Wales once again have access to pockets of Legal Aid, which had unlawfully been removed from them.

On a slightly lighter note, PAS once again participated in [The London Legal Support Trust's](#) annual Great Legal Bake Sale last month.

The office was transformed for a week or so into a bakery *par excellence*, with Managing Solicitors, Caseworkers, Fundraisers and Volunteers all taking on the mantles of Mary Berry and Paul Hollywood. It was impossible to see beyond arm's length for the clouds of icing sugar!

But there was no sneezing as our creations were very kindly bought by local solicitors' firms and barristers' chambers, raising £1,200 for PAS. Nationwide, the project raised over £23,000 for legal charities across England and Wales.

## Success Stories

### **Prisoner A: PAS Helps an NFP 10 Years over Tariff Be Released**

Prisoner A is an foreign national prisoner (FNP) who had been sentenced in 2006 to an Indeterminate Sentence for Public Protection (IPP) with a minimum tariff of two years, after which he could apply for parole. However, 12 years later, he was still in prison, as various Parole Board hearings had refused to direct his release until his immigration case was concluded.

Prisoner A's immigration issues came to a head in 2015 when he was served with a deportation order. Even though he comes from a country which is currently a war-zone, and he has lived in England since he was a teenager and is the father to British born children, he still falls under the category of people whom the Home Office seek to deport on release (as his original tariff was over 12 months long).

In 2017 his then immigration solicitor successfully appealed against the deportation order and Mr H was granted the right to stay in the UK on asylum grounds by the First Tier Tribunal (FTT). However, the Home Office subsequently appealed to the Upper Tribunal (UT). This appeal was successful and the case was sent back to the FTT to look again at Prisoner A's application.

### **Prisoner C: Young Prisoner Home in Time for Christmas**

Prisoner C, a young offender (20 years old), was originally told he would be recalled to custody on a 28 day Fixed Term Recall (FTR) due to some poor behaviour which had led to three minor breaches of his licence. His Offender Manager did not think that these breaches led to an increase of his risk of serious offending but felt they showed a lack of compliance which could not be condoned. She instigated an FTR with the intention of providing a 'short, sharp, shock' to ensure increased compliance with all licence conditions when he was re-released.

However, due to his original classification as a high risk prisoner, in a seldom used move, the Ministry of Justice transmuted the FTR into a standard recall, resulting in Prisoner B still being incarcerated almost three years later.

A Vulnerable Prisoner who had previously been attacked by other prisoners so seriously that he required hospitalisation, Prisoner C had served this time in a prison which did not have a Vulnerable Prisoners Unit. Nor was there any offending behaviour work available at that location.

PAS wrote to the Secretary of State to invite him

Prisoner A approached PAS and we agreed to take on his parole case. We sent written representations to the Parole Board, setting out why it should consider the case for releasing him and not wait for the immigration case to be determined. We argued that the immigration proceedings would be lengthy and that they would be acting unfairly by not considering the prisoner's release before they were concluded. Our Caseworkers' knowledge of immigration law and procedure enabled us to make a convincing argument for this and the Parole Board agreed to an oral hearing in the prison.

We represented Prisoner A at this hearing, where the Parole Board humanely concluded that he was a low enough risk to be released from his prison sentence. He is currently waiting for a place in a probation hostel and his immigration solicitor is continuing to challenge the Home Office in relation to his proposed deportation.

### **Prisoner B: IPP Sentence Recalled Prisoner's Release Finally Directed**

---

Prisoner B was recalled following three and a half years on licence as a result of a number of unfortunate events. He had successfully secured employment post release only to be then moved to a different borough making it impossible for him to get to work on time to the building site where he worked. He had a child in the meantime and was busy supporting his partner, who had lost her brother following his tragic murder. He eventually found employment in the new borough where he resided as a delivery driver but he had a serious accident on his scooter as a result of which he was immobilised for a period of six months. Moreover, Prisoner B's cousin committed suicide during this time resulting in him facing a very difficult time.

It was throughout this period that he missed a number of probation appointments and lost his tenancy following allegations of criminal damage and arson, for which he was recalled to prison.

It took nine months for his case to be heard by the Parole Board. During this time PAS put a huge amount of pressure on his Offender Manager to obtain police updates as to whether or not Prisoner B would be charged following the allegations. At the hearing the Parole Board were quite clear about how unsatisfactory it was that no

to have faith in the reliable, professional, judgement of the Offender Manager, who believed that Prisoner C's risk could be better, more safely managed in the community, and who was then sourcing a suitable Approved Premises in the home Probation area, where Mr Prisoner B could be placed on Home Detention Curfew (HDC) in order to offer an extra measure of risk reduction and public protection.

We suggested that these arrangements – a move to his home Probation area and being placed on a tag (HDC) – would increase Mr Prisoner C's motivation to comply. After having spent two Christmases inside prison on standard recall, on 21 December, 2017, the Secretary of State finally directed Prisoner C's immediate release – just in time for Christmas.

update had been forthcoming throughout all that time. Approximately one month after the hearing, an update was finally submitted to the effect that no further action was going to be taken in respect of the allegations and Prisoner B's release was finally directed last week.